

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

John Zaharychuk

Serial No.: 09/739,731

Filed: December 18, 2000

For: **METHOD AND APPARATUS FOR DYNAMIC  
OPTIMIZATION OF A MULTI-SERVICE  
ACCESS DEVICE**



Examiner: N.A.

Art Unit: 2152

Confirmation No. 5077

Attorney No.  
42003239.P089

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

APPLICATION PROCESSING DIVISION  
CUSTOMER CORRECTION BRANCH  
Assistant Commissioner For Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the "Notice to File Corrected Application Papers" mailed on 04/25/2001 regarding the above-referenced utility patent application. A copy of the "Notice to File Corrected Application Papers" mailed on 04/25/2001 is attached hereto as Exhibit A.

The "Notice to File Corrected Application Papers" indicates that the drawing sheets do not have appropriate margins. The "Notice to File Corrected Application Papers" requests substitute drawings in response.

Attached hereto as Exhibit B is a "Transmission of Formal Drawings" including 5 drawing sheets of Figures 1-5.

This response is being mailed within two months of the mailing date of the "Notice to File Corrected Application Papers" so that no extension or fee should be due. However, in the unlikely event that a petition is necessary it is hereby

petitions and that if any fee is due, the USPTO is authorized to charge the fee, if any, to Deposit Account No. 02-2666. A duplicate fee transmittal is enclosed for this purpose.

If there are any questions in regards to this response, Applicant's counsel may be reached at (714) 557-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP



Eric T. King

Reg. No. 44,188

Dated: May 31, 2001

12400 Wilshire Boulevard,  
Seventh Floor  
Los Angeles, California 90025  
(714) 557-3800

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: May 31, 2001.

	<u>5/31/01</u>
<u>Susan McFarlane</u>	Date

# **EXHIBIT A**

**"Notice to File Corrected Application Papers"**

# **EXHIBIT B**

**"Transmission of Formal Drawings"**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

JOHN ZAHARYCHUK, ET AL.

Application No.: 09/739,731

Filed: December 18, 2000

For: **METHOD AND APPARATUS FOR  
DYNAMIC OPTIMIZATION OF A  
MULTI-SERVICE ACCESS DEVICE**



Art Group: 2152

Examiner: Unassigned

Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL OF FORMAL DRAWINGS

Sir:

Enclosed herewith for filing in the above-identified U.S. Patent Application are the formal drawings, 5 sheets including 5 Figures. Applicants hereby authorize any additional extension or petition fees under 37 C.F.R. §1.17 or credit for any overpayment to our Deposit Account No. 02-2666. A duplicate copy of the Fee Transmittal sheet is enclosed.

Respectfully submitted,

Blakely, Sokoloff, Taylor & Zafman LLP

Eric T. King, Reg. No. 44,188

Dated: May 31, 2001

12400 Wilshire Blvd., 7th Floor  
Los Angeles, California 90025  
Telephone: (714) 557-3800

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: May 31, 2001.

  
Susan McFarlane

05/31/01

Date

H-1A

0300 ✓

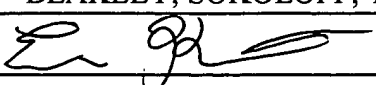
PTO/SB/21 (12/97)

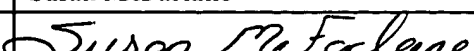
Approved for use through 9/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/739,731
		Filing Date	December 18, 1900
		First Named Inventor	John Zaharychuk
		Group Art Unit	2152
		Examiner Name	Unassigned
Total Number of Pages in This Submission	14	Attorney Docket Number	3239P089

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input checked="" type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> To Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">         Response to Notice to File Corrected Application Papers with Transmission of Formal Drawings       </div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Eric T. King, Reg. No. 44,188 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	May 31, 2001

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on:			
		May 31, 2001	
Typed or printed name	Susan McFarlane		
Signature		Date	May 31, 2001

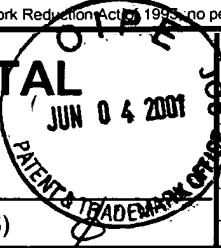
Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → +

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# FEE TRANSMITTAL for FY 2000

Patent fees are subject to annual revision.



## Complete if Known

Application No.	09/739,731
Filing Date	December 18, 1900
First Named Inventor	John Zaharychuk
Examiner Name	Unassigned
Group/Art Unit	2152
Attorney Docket Number	3239P089

TOTAL AMOUNT OF PAYMENT (\$)

## METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number: 02-2666
- Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP
- ☒ Charge Any Additional Fee(s) Required Under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

1. BASIC FILING FEE						
Large Entity		Small Entity				
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description		Fee Paid
101	710	201	355	Utility filing fee		
106	320	206	160	Design filing fee		
107	490	207	245	Plant filing fee		
108	710	208	355	Reissue filing fee		
114	150	214	75	Provisional filing fee		
SUBTOTAL (1)					(\$)	

2. EXTRA CLAIM FEES		Extra Claims		Fee from below		Fee Paid
Total Claims	Independent Claims					
Multiple Dependent						

\*\*or number previously paid, if greater. For Reissues, see below

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	260	204	135	Multiple Dependent claim, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$)

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	*Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	*Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	390	216	195	Extension for response within second month	
117	890	217	445	Extension for response within third month	
118	1,390	218	695	Extension for response within fourth month	
128	1,890	228	945	Extension for response within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
Other fee (specify) _____					
* Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$)

## SUBMITTED BY

## Complete (if applicable)

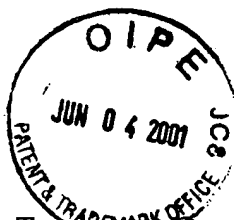
Name (Print/Type)	Eric T. King	Registration No. (Attorney/Agent)	44,188	Telephone	(714) 557-3800
Signature		Date	05/31/01		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2039.**

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WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/739,731	12/18/2000	John Zaharychuk	3239P089

CONFIRMATION NO. 5077

08791

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR  
LOS ANGELES, CA 90025

FORMALITIES LETTER



\*OC00000006003953\*

Date Mailed: 04/25/2001

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY